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- (d) said imaging device is at least one of a film based still image camera and a digital based still image camera.

--28.(Amended Twice). An imaging system comprising:

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- (a) an imaging device that at least one of obtains and presents at least one image;
- (b) an eye gaze system associated with said imaging device that determines a non-closed loop portion including multiple points of said at least one image that an eye of a viewer observes wherein said viewer observes each of said multiple points;
- (c) said image system associating said at least one image with said each of said multiple points of said non-closed loop portion of said at least one image; and
- (d) an image processor that identifies the content represented by said at least one image based on the content of the image together with said non-closed loop portion.

REMARKS

The Examiner rejected claims 1-5 and 7-36 under 35 U.S.C. 102(e) as being anticipated by Yamasaki, U.S. Patent No. 5,627,586.

Yamasaki discloses a moving body detection device to correctly detect an area in which a target moving body is present even when the camera moves. The device includes a gazing point P, as illustrated in FIG. 2A, that is a single point moved to a position near an object OBJ by the operator. Turning the switch (SW) on superimposes a moving body detection zone of large area, based on a region around the single gazing point P, as shown in FIG. 2B. Next the moving body area is specified and the tracking operation is started, as shown in FIG. 2C. In order to determine whether the camera or the object is moving, the system uses motion vector detection areas indicated by s1 to s4 for determining the movement of the camera. In other

words, the motion vector detection areas s1 to s4 detect overall camera motion. Accordingly, the viewer does not observe s1 to s4 in combination with the eye gaze system nor does the regions s1-s4 have any relationship to the eye gaze system.

The Examiner suggests that FIG. 6 of Yamasaki shows an image plane with several regions s1-s4, which the Examiner interprets as being portions of the image. The Examiner further suggests that region s1 is in the image plane and thus there is some association with the image. However, the viewer does not observe s1 to s4 in combination with the eye gaze system nor does the regions s1-s4 have any relationship to the eye gaze system.

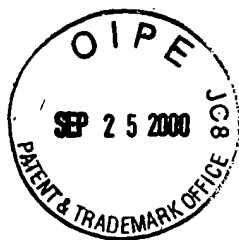
The Examiner further suggests that Yamasaki disclose the eye of a viewer which observes a line of sight of a desired area in the image plane (see FIGS. 4, 5, and 6 in connection with column 6, lines 8-10). The Examiner specifically pointed out column 6, lines 8-10 of Yamasaki which disclose diagrams showing the principle for detection the direction of a line of sight and indicating a desired area in the image plane based on the detected direction. In other words, this portion of Yamasaki is directed towards identification of a desired area in the image plane. However, the result of the detection of the direction of the line of sight is a single gazing point P, as previously described, which is associated with the image.

Claims 1, 12, 19, and 28 have been amended to more clearly patentably distinguish over Yamasaki by claiming that the non-closed loop portion includes multiple points of the at least one image that an eye of a viewer observes wherein the viewer observes each of the multiple points. The system associates the at least one image with each of the multiple points of the non-closed loop portion of the image.

Yamasaki at most discloses an image system where an eye gaze system identifies a single gazing point P, as illustrated in FIG. 2A, that is used to locate a moving body detection zone, as shown in FIG. 2B. In contrast, claims 1, 12, 19, and 28 require multiple points that the eye of a viewer observes to be associated with the image. It is noted that regions s1-s4 are not regions observed by the viewer and associated with the image.

Claims 2-5, 7-11, 13-18, 20-27, and 29-36 depend from their respective independent claims and are patentable for the same reasons asserted for their respective independent claim.

The Examiner is respectfully requested to reconsider claims 1-5 and 7-36 in light of the foregoing amendments and remarks and to pass the application to issue.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin L. Russell".

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: _____

9/14/2000

Kevin L. Russell

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